

Notice of Allowability	Application No.	Applicant(s)	
	10/620,093	BERTHOLD ET AL.	
	Examiner	Art Unit	
	Phallaka Kik	2825	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendmnt, Oath&Declaration & Appl. Data Sheet filed 12/28/05, interview on 1/11/06.
2. ☒ The allowed claim(s) is/are 1-9, 14-16, 19, wherein claims 10-13, 17-18 have been canceled and claims 4, 3, 14-16, 19 have been renumbered as 3-4 and 10-13 respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20060111</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|--|

DETAILED ACTION

1. This Office Action responds to Applicant's amendment, Oath and Declaration, and Application Data Sheet filed on 12/28/2005, and interview conducted on 1/11/2006. Claims 1-9,14-16,19 are pending, wherein claims 10-13,17-18 are canceled, and claims 1,6-8,14-16,19 have been amended. Claims 1-9,14-16,19 have been examined and are allowed, wherein claims 1-2,5,8-9,14-16,19 are subjected to the following Examiner's Amendment.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Werner H. Stermer (Reg. No. 34,956) on 1/11/2006.

The application has been amended as follows:

In the claims:

As per **claim 1**, "the path transit time distribution" (line 12) has been replaced with --a path transit time distribution--.

As per **claim 2**, "which further comprises, in step (e)," (lines 1-2) has been replaced with --wherein step (e) further comprises--.

As per **claim 5**, "the maximum" (line 3) has been replaced with --a maximum--.

As per **claim 8**, "the probability distribution" (line 8) has been replaced with --a probability distribution--.

As per **claim 9**, "the group figures" (line 2) has been replaced with --group figures--.

As per **claim 14**, "the maximum" (line 3) has been replaced with --a maximum--.

As per **claim 15**, "the maximum" (line 3) has been replaced with --a maximum--.

As per **claim 16**, "the maximum" (line 3) has been replaced with --a maximum--.

As per **claim 19**, "the path transit time distribution" (line 12) has been replaced with --a path transit time distribution--.

Oath/Declaration

3. The Application Data Sheet filed on 12/28/2005 in combination with the Oath and Declaration originally filed on 7/15/2003, corrects the defects of the Oath and Declaration filed on 7/15/2003, which was previously raised by the Examiner. Accordingly, a new Oath and Declaration is not needed.

4. It is noted that Applicant has filed a new Oath and Declaration filed on 12/28/2005 which does not contain the proper signatures of the inventors, and filed herein as a showing that a new Oath and Declaration will be later filed with the proper signatures (see Amendment filed on 12/28/2005, page 7). Since the corrections only direct to the post office address(es) of the inventor(s), a new Oath and Declaration is not needed as indicated above, unless Applicant desires the new post office addresses of the inventors, which are different than that of those submitted in the Application Data Sheet filed on 12/28/2005, wherein such changes of post office addresses could also be

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handled with a filing of supplemental Application Data Sheet in compliance with 37 CFR 1.76.

Allowable Subject Matter

5. **Claims 1-9,14-16,19** are allowed.

6. The following is an examiner's statement of reasons for allowance:

As per **claims 1-9,14-16,19**, the Office Action mailed on 10/31/2005 sets forth the patentability of Applicant's claimed invention, wherein Applicant's amendment filed on 12/28/2005 and the Examiner's Amendment to the claims as given above, removes all of the informalities of the claims raised by the Examiner. Accordingly, the claimed invention becomes allowable.

Conclusion

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phallaka Kik whose telephone number is 571-272-1895. The examiner can normally be reached on Monday-Thursday, 6:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Chiang can be reached on 571-272-7483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:


Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

or faxed to:

571-273-8300



Phallaka Kik

U.S. Patent Examiner

January 19, 2006